

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

IMERYS TALC AMERICA, INC., *et al.*,¹

Debtors

Chapter 11

Case No. 19-10289 (LSS)

(Jointly Administered)

IMERYS TALC AMERICA, INC. and
IMERYS TALC VERMONT, INC.,

Plaintiffs,

Adv. Pro. No. 21-51006

v.

JOHNSON & JOHNSON and JOHNSON &
JOHNSON CONSUMER INC.,

Defendants.

**MOTION OF THE OFFICIAL COMMITTEE OF TORT CLAIMANTS
AND THE FUTURE CLAIMANTS' REPRESENTATIVE FOR TEMPORARY
RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

The Official Committee of Tort Claimants (the “Committee”) and the Future Claimants’ Representative (the “FCR,” together with the Committee, the “Plaintiffs-Intervenors”)² respectfully bring this Motion for Temporary Restraining Order and Preliminary Injunction (the “Motion”) pursuant to Section 105(a) of title 11 of the United States Code and Rule 65 of the Federal Rules of Civil Procedure, as made applicable by Rule 7065 of the Federal Rules of

¹ The Debtors in these cases, along with the last four digits of each Debtor’s federal tax identification number, are: Imerys Talc America, Inc. (6358), Imerys Talc Vermont, Inc. (9050), and Imerys Talc Canada Inc. (6748). The Debtors’ address is 100 Mansell Court East, Suite 300, Roswell, GA 30076.

² Each of the Committee and the FCR are contemporaneously filing motions to intervene in this Adversary Proceeding as plaintiffs.

Bankruptcy Procedure. By this Motion, the Plaintiffs-Intervenors seek: (i) entry of a temporary restraining order restraining and enjoining Johnson & Johnson and Johnson & Johnson Consumer Inc. (collectively, the “Defendants”) from using a divisive merger or any other form of corporate transaction to separate themselves from the indemnification obligations they owe Imerys Talc America, Inc. and Imerys Talc Vermont, Inc. (the “Plaintiffs”); and (ii) entry of a preliminary injunction restraining and enjoining the Defendants from using a divisive merger or any other form of corporate transaction to separate themselves from the indemnification obligations they owe to the Plaintiffs pending the final adjudication of the Complaint. The grounds supporting this Motion are set forth in the concurrently filed Memorandum of Law in support of the Motion and the Declaration of Mark A. Fink and the exhibits attached thereto.

Wherefore, Plaintiffs-Intervenors respectfully request that the Court enter an order, substantially in the form attached hereto as Exhibit A: (i) temporarily restraining and enjoining Defendants from using a divisive merger or any other form of corporate transaction to separate themselves from the indemnification obligations they owe Plaintiffs; (ii) scheduling a hearing to determine whether to grant a preliminary injunction; and (iii) granting such other and further relief as the Court deems just, proper, and equitable.

Dated: July 27, 2021
Wilmington, Delaware

Respectfully submitted,

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